UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 15th day of March, 2005

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)
MARION C. BLAKEY,   )
Administrator,   )
Federal Aviation Administration,)
)
            Complainant,   )
)   Docket CP-115
        v.   )
)
EDWARD WIRTH BROFF,   )
)
            Respondent.   )
)
_____)

ORDER DISMISSING PETITION FOR RECONSIDERATION

Respondent has petitioned for reconsideration of our decision in this case, NTSB Order No. EA-5109, served September 15, 2004, in which we upheld the Administrator's assessment of a $2,000 civil penalty against respondent, for violations of 14 *Code of Federal Regulations* (CFR) section 61.3(a).[1] We dismiss the petition.

Respondent's petition is untimely and thus subject to dismissal under our rules of practice, which provide that petitions must be filed within 30 days after the date of service

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[1] Section 61.3(a) prohibits a person from acting as pilot-in-command of a civil aircraft of U.S. registry without a valid pilot certificate.

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of the Board's Order, or in this case by October 15, 2004. See
49 CFR 821.59(b). However, respondent's petition was dated
November 11, 2004, 57 days after our decision was served, and he
provides no reason for its lateness. Our rules of practice
state, in section 821.11(b), that extensions of time to file
petitions for reconsideration shall be granted only in
"extraordinary circumstances," a standard we have previously
noted is an even more stringent standard than the "good cause"
standard we adhere to for untimely appeals and appeal briefs.
<u>Administrator v. Windwalker</u>, NTSB Order No. EA-4671, n.2 (1998).

Moreover, we note that respondent's petition contains no
new argument or information that would affect our earlier
decision.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for reconsideration is dismissed.

ENGLEMAN CONNERS, Chairman, ROSENKER, Vice Chairman, and CARMODY,
HEALING, and HERSMAN, Members of the Board, concurred in the
above order.